

REMARKS

In response to the Office Action dated February 6, 2007 Applicants respectfully request reconsideration.

Claim Rejections - 35 USC § 103

Claims 1-2, 6, 8-9, 14, 16-17, 21, 23, 28-34, 36-39, 41, 43-48 and 50-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,909,023 (Ono) in view of U.S. Patent 6,941,273 (Loghmani), and further in view of U.S. Patent No. 6,177,931 (Alexander). Claims 6, 29-34, 36-39, 41, 43-48 and 50-51 have been canceled without prejudice, rendering the rejection moot. Applicants respectfully assert that claims 1-2, 8-9, 14, 16-17, 21, 23 are patentable over Ono, Loghmani and Alexander.

Applicants respectfully assert that the combination of Ono, Loghmani and Alexander is improper because they are not from the same field of endeavors. The combination of Ono and Loghmani discusses an online shopping support method and system with speech recognition (Office Action dated 2/6/07, page 3). Alexander relates to television systems, and more particularly, to the display of and recording control interface with, television programs, video, advertising information and program scheduling information (Col. 1, ll. 36-40). Accordingly, a person having ordinary skill in the art would not reasonably have expected to solve the problem of using historical data for a voice application interface by considering a reference dealing with the display and recording of television programs.

Notwithstanding this improper combination, the applicants also assert that Ono, Loghmani and Alexander alone or in combination do not teach, disclose, or suggest a method for providing a user an interface to a voice application including determining the accuracy of speech recognition based on the time of day a voice communication is received, as recited in independent claim 1. Ono discusses a process for presenting products or goods having a relatively high purchase frequency over a number of days (Col. 5, lines 30-32), and does not teach, disclose or suggest presenting products based on the time of day. Loghmani discusses a voice-optimized database and a method of using audio vector valuation to search a voice-optimized database and to enhance existing, non-voice-enabled databases to perform searches from spoken queries (Col. 1, lines 13-16). The methods discussed in Loghmani do not interpret

speech based on a time period. Alexander discusses a Viewer Profile with channel slots that can be customized according to the day of the week and the time of day (Col. 30, ll. 59 - Col. 31 ll. 8, cited by the Examiner). An Electronic Programming Guide will automatically tune to a particular channel based on the Viewer's Profile and the current time whenever the viewer's television is turned on (Id.). In contrast to Ono, Loghmani, and Alexander, claim 1 recites a method for providing a user an interface to a voice application including determining the accuracy of the speech recognition based on the time of day the voice communication is received. For at least these reasons, independent claim 1 and claims 2, 8-9 and 14 that depend directly or indirectly from claim 1, are patentable over Ono in view of Loghmani, in further view of Alexander.

Regarding independent claim 16, Ono, Loghmani, and Alexander alone or in combination do not teach, disclose, or suggest means for recognizing a voice communication based on the time of day the voice communication is received. Ono discusses presenting products based on a volume purchased over a number of days, and does not teach, disclose or suggest presenting products based on the time of day. Loghmani discusses a voice-optimized database and a method of using audio vector valuation to search a voice-optimized database and to enhance existing, non-voice-enabled databases to perform searches from spoken queries (col. 1 ln 13-16), and not recognizing voice commands data based on a time of day. Alexander discuss automatically tuning a television based on the time of day (Col. 30 ll. 59-67). In contrast to Ono, Loghmani and Alexander, claim 16 recites an apparatus for providing a user an interface to a voice application including a server having a processor and associated memory, wherein the server includes means for receiving a voice communication from the user, means for receiving a time of day, means for recognizing the voice communication based on the time of day the voice communication is received, means for automatically selecting an application service for the user, without the user requesting the application service, as a function the recognized voice communication and information representative of the user's past access to the application. For at least these reasons, independent claim 16, and claims 17, 21, 23, and 28, that each depend directly or indirectly from claim 16, are patentable over Ono in view of Loghmani, in further view of Alexander.

Claims 5 and 20 stand rejected under 35 USC §103(a) as obvious over Ono in view in view of Loghmani, in further view of Alexander, and in further view of US Patent No. 6,298,330

(Gardenswartz). Applicants respectfully assert that these claims are patentable over Ono, Loghmani, Alexander and Gardenswartz. The Examiner does not assert that Gardenswartz makes up for the deficiencies of Ono and Loghmani and Alexander noted above with respect to claims 1 and 16. Thus, claims 5 and 20, that depend from claims 1 and 16 respectively, are patentable over Ono in view of Loghmani, in further view of Alexander, and in further view of Gardenswartz, for at least the reasons discussed above with respect to claims 1 and 16.

Claims 7 and 22 stand rejected under 35 USC §103(a) as obvious over Ono in view Loghmani, in further view of Alexander, and in further view of US Patent No. 6,298,329 (Walker). Applicants respectfully assert that these claims are patentable over Ono, Loghmani, Alexander and Walker. Walker discusses a method for generating point of sale coupons (Abstract). The coupons may have a validity based on a time of day (FIG. 10). Walker does not teach, disclose or suggest establishing a validity time as a function of the users past activities. In contrast, claims 1 recites determining an accuracy of the speech recognition based on the time of day the voice communication is received, and selecting a particular application service for the user automatically as a function of information representative of the user's past access to the application if the number of times the user previously selected the particular application service during a predetermined number of time periods is equal to or above a first predetermined threshold and if the accuracy of the speech recognition is within a predetermined accuracy range, and claim 16 recites means for recognizing the voice communication based on the time of day the voice communication is received, and means for automatically selecting an application service for the user, without the user requesting the application service, as a function of the recognized voice communication and information representative of the user's past access to the application. Thus, Walker does not make up for the deficiencies of Ono, Loghmani and Alexander noted above with respect to claims 1 and 16. Thus, claims 7 and 22, that depend indirectly from claims 1 and 16 respectively, are patentable over Ono in view Loghmani, in further view of Alexander, and in further view of Walker for at least the reasons discussed above with respect to claims 1 and 16, respectively.

Claims 10-12 and 24-26 stand rejected under 35 USC §103(a) as obvious over Ono in view Loghmani, in further view of Alexander, and in further view of US Patent No. 5,646,986 (Sahni). Applicants respectfully assert that these claims are patentable over Ono, Loghmani, Alexander and Sahni. First, applicants respectfully assert that Sahni is not in the same field of

endeavor as Ono. Ono discusses an online shopping support method and system capable of supplying proper services matching user specific needs and conditions. Sahni discusses trunk allocation in a communication system based on a history of network use. Applicants respectfully assert that allocating trunks is not in the same field of endeavor as online shopping. Therefore, there is no motivation to combine Sahni and Ono and Loghmani and Alexander. Second, even if Ono, Loghmani, Alexander and Sahni were combined as suggested in the Office Action, the Examiner does not assert that Sahni makes up for the deficiencies of Ono, Loghmani, and Alexander noted above with respect to claims 1 and 16. Thus, claims 10-12 and claims 24-26 that directly and indirectly depend from claims 1 and 16 respectively, are patentable over Ono in view Loghmani, in further view of Alexander, and in further view of Sahni for at least the reasons discussed above with respect to claims 1 and 16.

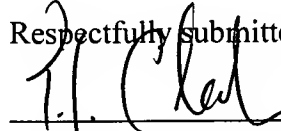
Claim 13 stands rejected under 35 USC §103(a) as obvious over Ono in view Loghmani, in further view of Alexander, and in further view of US Patent No. 6,584,447 (Fox). Applicants respectfully assert that this claim is patentable over Ono, Loghmani, Alexander and Fox. First, applicants respectfully assert that Fox is not in the same field of endeavor as Ono. Ono discusses an online shopping support method and system capable of supplying proper services matching user specific needs and conditions. Fox discusses a method to analyze a sales forecast using weather and sales history. Applicants respectfully assert that a method to analyze a sales forecast using weather and sales history is not in the same field of endeavor as online shopping. Therefore, there is no motivation to combine Fox and Ono, Loghmani, and Alexander. Second, even if Ono and Fox were combined as suggested in the Office Action, the Examiner does not assert that Fox makes up for the deficiencies of Ono, Loghmani, and Alexander noted above with respect to claim 1. Thus, claim 13, that indirectly depends from claim 1, is patentable over Ono in view Loghmani, in further view of Alexander, and in further view of Fox for at least the reasons discussed above with respect to claim 1.

Claim 27 stands rejected under 35 USC §103(a) as obvious over Ono, in view Loghmani, in further view of Alexander, in view of Sahni, as applied to claim 24, and further in view of Fox. Applicants respectfully assert that this claim is patentable over Ono, Loghmani, Alexander, Sahni and Fox because, as discussed above, neither Sahni nor Fox is in the same field of endeavor as Ono, and neither make up for the deficiencies of Ono, Loghmani, and Alexander with respect to claim 16.

Applicants: Corine A. Bickley et al.
U.S. Serial No.: 09/997,298

Based on the foregoing, this application is believed to be in an allowable condition, and a notice to that effect is respectfully requested. The Examiner is invited to call the Applicants' Attorney at the number provided below with any questions.

Respectfully submitted,



T.J. Clark (Reg. No. 54,039)
Attorney for Applicants
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
Telephone 617/348-3022
Fax 617/542-2241
Customer Number 30623

Date: June 21, 2007

ACTIVE 4009011v.1